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Attorneys for Sonos, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

GOOGLE LLC,
Plaintiff and Counterdefendant,

v.

SONOS, INC.,
Defendant and Counterclaimant.

Case No. 3:20-cv-06754-WHA
Related to Case No. 3:21-cv-07559-WHA

**DECLARATION OF JOSEPH R.
KOLKER IN SUPPORT OF SONOS'S
MOTION FOR SUMMARY JUDGMENT
REGARDING GOOGLE'S CONTRACT-
RELATED CLAIMS**

Date: April 13, 2023
Time: 8:00 a.m.
Place: Courtroom 12, 19th Floor
Judge: Hon. William Alsup

Complaint Filed: September 28, 2020

1 I, Joseph R. Kolker, declare as follows and would so testify under oath if called upon to
2 do so:

3 1. I am an attorney with the law firm of Orrick, Herrington & Sutcliffe LLP, counsel
4 of record to Sonos, Inc. (“Sonos”) in the above-captioned matter. I am a member in good
5 standing of the New York State Bar and am admitted to practice before this Court in this matter
6 *pro hac vice*. I make this declaration based on my personal knowledge, unless otherwise noted.
7 If called, I can and will testify competently to the matters set forth herein.

8 2. I make this declaration in support of Sonos’s Motion for Summary Judgment
9 Regarding Google’s Contract-Related Claims.

10 3. Attached as **Exhibit 1** is a true and correct copy of U.S. Patent No. 10,779,033
11 (“’033 Patent”).

12 4. Attached as **Exhibit 2** is a true and correct copy of a document produced by
13 Google LLC (“Google”) in this action, identifying itself as the “Content Integration Agreement”
14 (GOOG-SONOS-NDCA-00055243). Google also attached a non-Bates-stamped version of the
15 same document as Exhibit 3 to its Second Amended Complaint in this action. *See* Dkt. 125-3.

16 5. Attached as **Exhibit 3** is a true and correct copy of excerpts from the deposition
17 transcript of Nick Millington taken on June 29, 2022.

18 6. Attached as **Exhibit 4** is a true and correct copy of excerpts from the deposition
19 transcript of Alaina Kwasizur taken on November 30, 2022.

20 7. Attached as **Exhibit 5** is a true and correct copy of excerpts from the deposition
21 transcript of Keith Corbin taken on May 31, 2022.

22 8. Attached as **Exhibit 6** is a true and correct copy of excerpts from the deposition
23 transcript of Joni Hoadley taken on April 13, 2022.

24 9. Attached as **Exhibit 7** is a true and correct copy of excerpts from the deposition
25 transcript of Tad Coburn taken on July 12, 2022.

26 10. Attached as **Exhibit 8** is a true and correct copy of an email thread between Sonos
27 personnel dated July 7 to July 15, 2011 (SONOS-SVG2-00027224).
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1 11. Attached as **Exhibit 9** is a true and correct copy of excerpts from the Sonos
2 Controller for iPad User Guide 2010 (SONOS-SVG2-00059406).

3 12. Attached as **Exhibit 10** is a true and correct copy of excerpts from an article titled
4 “Now you Can Stream Google Play Music Through Your Sonos System”, by Christina
5 Bonnington, WIRED, dated April 10, 2014.

6 13. Attached as **Exhibit 11** is a true and correct copy of a redline comparison of the
7 specification of U.S. Patent Application No. 13/341,237 filed December 30, 2011, underlying
8 U.S. Patent No. 9,654,821, and the specification of U.S. Patent Application No. 16/389,906 filed
9 April 19, 2019, underlying the ’033 patent, reflecting the differences between the two. This
10 redline comparison was prepared by counsel for Sonos, with typographical errors excluded from
11 the comparison.

12 14. Attached as **Exhibit 12** is a true and correct copy of excerpts from the Opening
13 Expert Report of Samrat Bhattacharjee Regarding Invalidity of U.S. Patent Nos. 10,779,033 and
14 9,967,615 and Other Issues dated November 30, 2022.

15 I declare under penalty of perjury that the foregoing is true and correct to the best of my
16 knowledge. Executed this 6th day of February, 2023 in Yonkers, New York.

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20 JOSEPH R. KOLKER
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